

**SENATE JOURNAL
61ST LEGISLATURE
ELEVENTH LEGISLATIVE DAY**

Helena, Montana
January 17, 2009

Senate Chambers
State Capitol

Senate convened at 8:00 a.m. President Story presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Laible and Laslovich, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

Correctly printed: **SB 5, SB 31, SB 33, SB 45, SB 55, SB 68, SB 103, SB 108, SB 126, SB 130, SB 160, SB 169, SB 182, SB 235, SB 236, SB 237, SB 238, SB 239, SB 240.**

Correctly engrossed: **SB 32, SB 96, SB 104, SB 150.**

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman):
SB 84, introduced bill, be amended as follows:

1/17/2009

1. Page 7, line 8 through line 10.

Strike: subsection (2) in its entirety

Insert: "(2) The prison industries training program consists of vocational education, on-the-job training, and production experience. The Montana correctional enterprises program may contract with public and private educational entities to provide this training."

2. Page 7, line 12.

Strike: "work"

Following: "involving"

Insert: "within the prison system"

3. Page 7, line 19.

Following: "(v)"

Insert: "approved"

Following: "programs"

Insert: "for governmental entities and not-for-profit organizations"

4. Page 8, line 2.

Strike: " _"

Insert: ", except when the manufacture of the signs is in violation of a collective bargaining contract; and (e) provide for the manufacture of motor vehicle license plates and other related articles."

5. Page 8, line 4.

Following: "districts,"

Insert: "and"

Following: "organizations"

Strike: ", and the general public"

Following: "contracts"

Strike: ", sales,"

6. Page 8, line 5.

Following: "networks."

Insert: "Furniture, print, and sign shop products may be sold to the general public only through dealer networks."

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And, as amended, do pass. Report adopted.

SB 86, do pass. Report adopted.

SB 194, do pass. Report adopted.

LOCAL GOVERNMENT (Esp, Chairman):

1/17/2009

SB 98, introduced bill, be amended as follows:

1. Title, line 6.

Following: "TAX LEVY"

Insert: ";;"

2. Title, line 6 through line 7.

Strike: "OR" on line 6 through "DISTRICT;" on line 7

3. Title, line 8.

Strike: "SECTIONS"

Insert: "SECTION"

Strike: "AND 7-12-4102"

4. Page 2, line 19 through page 5, line 6.

Strike: section 2 in its entirety

Renumber: subsequent section

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

1/17/2009

HB 37, introduced by Campbell

HB 45, introduced by Ingraham

HB 54, introduced by Ingraham

HB 58, introduced by Ingraham

HB 76, introduced by P. Beck

HB 122, introduced by Menahan

HB 126, introduced by Augare

HB 138, introduced by Hunter

HB 181, introduced by K. Peterson

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 241, introduced by Balyeat, Ankney, Arntzen, B. Beck, P. Beck, Becker, Bennett, Berry, Boniek, D. Brown, Cohenour, Ebinger, Fleming, French, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Kasten, Kerns, Klock, MacLaren, McChesney, McClafferty, McGillvray, McNutt, Menahan, Milburn, Miller, More, K. Peterson, Randall, Regier, Roundstone, Sales, Sands, Sesso, Smith, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Bales, Balyeat, Debby Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Erickson, Essmann, Gallus, Hamlett, Hansen, Hinkle, Jackson, Jent, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Murphy, Perry, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, Tutvedt, Wanzenried, Windy Boy, Zinke, referred to State Administration.

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SB 242, introduced by Balyeat, referred to Business, Labor, and Economic Affairs.

SB 243, introduced by Balyeat, Arntzen, Bales, Barkus, Debby Barrett, Bennett, Boniek, Brenden, T. Brown, Curtiss, Himmelberger, Jackson, Laible, McGillvray, McNutt, Murphy, Perry, K. Peterson, Randall, Ripley, Smith, Steinbeisser, Welborn, referred to State Administration.

SB 244, introduced by Balyeat, Arntzen, Bales, Barkus, Debby Barrett, Bennett, Berry, Black, Boniek, Brenden, R. Brown, T. Brown, Brueggeman, Cohenour, Curtiss, Ebinger, Gallus, Gebhardt, Hamlett, Himmelberger, Hinkle, Hoven, Jackson, Kasten, Kaufmann, Keane, Laible, Larsen, Laslovich, McGillvray, McNutt, Murphy, Perry, J. Peterson, K. Peterson, Sales, Smith, Steinbeisser, Wanzenried, Welborn, Zinke, referred to Taxation.

SB 245, introduced by Balyeat, Arntzen, Bales, Barkus, Debby Barrett, Berry, Black, Boniek, Brenden, R. Brown, T. Brown, Curtiss, Essmann, Gebhardt, Himmelberger, Hinkle, Hoven, Jackson, Kasten, Laible, McGee, McGillvray, McNutt, Perry, K. Peterson, Randall, Smith, Steinbeisser, Welborn, Zinke, referred to Finance and Claims.

SB 246, introduced by Perry, referred to Natural Resources.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Senator Peterson moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Gebhardt in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 11 - Senator J. Peterson moved **SB 11** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Larsen, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Laible, Laslovich.

Total 2

SB 23 - Senator Wanzenried moved **SB 23** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Larsen, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 48

Nays: None.

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Total 0

Absent or not voting: None.

Total 0

Excused: Laible, Laslovich.

Total 2

SB 43 - Senator Kaufmann moved **SB 43** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Larsen, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Laible, Laslovich.

Total 2

SB 48 - Senator Essmann moved **SB 48** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Larsen, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Laible, Laslovich.

Total 2

SB 116 - Senator Keane moved **SB 116** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Larsen, Lewis, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 47

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Nays: McGee.
Total 1

Absent or not voting: None.
Total 0

Excused: Laible, Laslovich.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 5 passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Larsen, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Laible, Laslovich.
Total 2

SB 33 passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Larsen, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Laible, Laslovich.
Total 2

SB 45 passed as follows:

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Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Larsen, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 47

Nays: Gebhardt.

Total 1

Absent or not voting: None.

Total 0

Excused: Laible, Laslovich.

Total 2

SB 55 passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Larsen, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Laible, Laslovich.

Total 2

SB 103 passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Larsen, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Laible, Laslovich.

Total 2

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SB 108 passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Larsen, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Laible, Laslovich.

Total 2

SPECIAL ORDERS OF THE DAY

Senator Barkus thanked the Pages for their work the week of January 12-17, 2009.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Peterson moved that the Senate adjourn until 1:00 p.m., Monday, January 19, 2009. Motion carried.

Senate adjourned at 8:41 a.m.

MARILYN MILLER
Secretary of the Senate

ROBERT STORY
President of the Senate